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March 22, 2012

Jennifer D. Sinclair
U.S. Probation
One Courthouse Way
Boston, MA 02108

Re: United States v. Tarek Mehanna

Dear Ms. Sinclair,

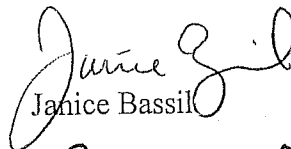
I would like to respond to the government's objections to the PSR, specifically to paragraph 3.

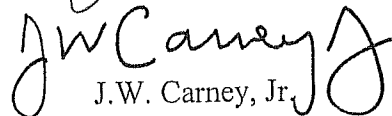
The government persistently and erroneously states that the defendant used his digital editing skills to facilitate the offenses. In fact the defendant had no digital editing skills and did not know how to edit videos or other such media. When he completed a translation of *The 39 Ways to Participate in Jihad*, the cover and design was completed by a person with more technological savy than Mr. Mehanna. If by digital editing skills, the government means that he edited documents written or translated by others, he was asked to do so on a document entitled *Wa Yakoon* but did not do so. (There is no English translation of said document other than the one completed for Evan Kohlmann).

We dispute the government's contention that special skills includes translating. According to the Application Notes to USSG 3B1.3, Special skill "refers to a skill not possessed by members of the general public and usually requiring substantial education, training or licensing. Examples would include pilots, lawyers, doctors, accountants, chemists, and demolition experts". I have found no case which states that translation is a special skill. I would also note that translators when used as witnesses in court, are not deemed experts.

We do not believe the defendant can be punished for speech related activities protected under the First Amendment. This includes the translations of documents publically available on the internet from Arabic to English. Similarly, his statements of opinion on forums and internet postings are also protected speech for which he cannot be punished.

Very truly yours,


Janice Bassil


J.W. Carney, Jr.

cc: Alkoe Chakravarty
Jeffrey Auerhahn
Jeffrey Groharing